

CHAPTER 21 SECURITY OFFICERS

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2100 GENERAL PROVISIONS

2100.1 For purposes of this chapter, the term "security officer" means any person privately employed to do any of the following:

- (a) Prevent the theft, misappropriation, or concealment of goods, wares, merchandise, money, bonds, stock certificates, or other valuable documents, papers, and articles;
- (b) Prevent damage to real or personal property;
- (c) Prevent assaults, gate-crashing, or other disorders at meetings, events, or performances; or
- (d) Prevent similar illegal occurrences.

2100.2 The term "security officer," as defined in this section, includes the following:

- (a) Uniformed individuals employed by an agency or other employer for any of the purposes set forth in §2100.1; and
 - (b) Uniformed individuals privately employed as guards, watchpersons, patrol service personnel for specified property, security technicians, security officers, and other similar positions.
- 2100.3 The term "security officer," as defined in this section, does not include any of the following:
- (a) Persons commissioned as special police under the provisions of D.C. Code §4-114 (1981);
 - (b) Persons working in their official capacity as employees of the federal government; or
 - (c) Members of the Metropolitan Police Department or the public police force of any other jurisdiction.
- 2100.4 [REPEALED]
- 2100.5 Any person at least eighteen (18) years of age may be certified as a security officer if he or she meets the other requirements of this chapter.
- 2100.6 Each certification issued under this chapter, except temporary certification cards issued under §2109, shall be effective for one (1) year. The expiration date shall be shown on the certification.
- 2100.7 Violation of any provision of this chapter shall be punishable by a fine of up to three hundred dollars (\$300) or by imprisonment for up to ninety (90) days, in addition to the possible denial, suspension, or revocation of certification under the provisions of this chapter.
- 2100.8 The provisions of this chapter shall supersede any other District of Columbia regulations to the extent of any conflict with those regulations.

AUTHORITY: Unless otherwise noted, the authority for this chapter is An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057, ch. 422, D.C. Code §4-114 (1981)).

SOURCE: §§1.1(f), 3.1, 3.3 and 6.1 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974), as amended by §2 of the Security Officer Licensing Facilitation of 1977, D.C. Law 2-29, 24 DCR 1451 (August 19, 1977), and §27 of the End of Session Technical Amendments Act of 1984, D.C. Law 5-159, 32 DCR 30 (January 4, 1985).

2101 DUTY OF AGENCY OR EMPLOYER

- 2101.1 No investigation or certification under this chapter shall relieve any agency or other employer of the duty to investigate and make its own determination of an applicant's suitability for employment as a security officer.
- 2101.2 All agencies and employers have an affirmative duty to supervise security officers in their employ, and any attempt at a contractual limitation of liability shall be null and void.

2101.3 In all cases, the liability of the agency or other employer for the acts of its employees shall be limited to those times when the employee is on duty and to those acts within the scope of the employee's assignment or employment.

2101.4 Failure of a private detective agency to properly supervise the activities of its employees is grounds for denial or suspension of the agency's license.

SOURCE: §3.8 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2102 ELIGIBILITY REQUIREMENTS: CHARACTER

2102.1 Except as otherwise provided in this chapter, no person shall be employed as a security officer unless that person has first been certified by the Mayor as being of good moral character.

2102.2 In making a determination of moral character, the Mayor shall consider information received from the applicant's employers of the past five (5) years, character references, convictions for misdemeanors, military record, and any other relevant information that the Mayor's investigation reveals.

SOURCE: §3.5 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2103 ELIGIBILITY REQUIREMENTS: HEALTH

2103.1 Each applicant for certification shall be required to submit a physician's certificate stating, that to the best of the physician's knowledge after examining the applicant, the following:

- (a) The applicant is not presently addicted to drugs or alcohol;
- (b) The applicant is not suffering from any debilitating mental defect or disorder; and
- (c) The applicant is not suffering from serious heart disease, severe epilepsy, or other physical defect which might cause substantial loss of control in situations of severe stress.

2103.2 When testing for epilepsy or other physical defects which might involve substantial costs to determine, the doctor may rely upon the sworn statement of the applicant, under oath. The doctor must give his or her affirmation to the same effect.

2103.3 In cases where certification is requested concurrent with or as a condition of employment with a private detective agency or a business employer, the agency or employer shall certify the health of the applicant.

SOURCE: §3.6 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2104 ELIGIBILITY REQUIREMENTS: CONVICTED CRIMINALS

2104.1 A person who is in either of the following categories shall not be eligible for certification as a security officer unless he or she meets the burden of proving to the Board

of Appeals and Review that he or she is not a significant safety risk to the community and meets all other requirements for certification:

- (a) A person who has been released from incarceration for a felony conviction in any jurisdiction in the United States within two (2) years prior to the date of filing an application for certification; or
- (b) A person who has been released from incarceration for a misdemeanor conviction in any jurisdiction in the United States involving larceny or involving the illegal use, carrying, or concealment of a dangerous weapon within one (1) year prior to the date of filing an application for certification.

2104.2 Notwithstanding the provisions of §2104.1 (but subject to the one (1) year limitation in §2104.3)), if the Board of Appeals and Review does not act upon the application of a person within sixty (60) days after it is filed, the certification shall be made if the applicant meets all other applicable requirements for certification.

2104.3 Under no circumstances shall a person convicted of a felony be certified or serve as a security officer until one (1) year after release from incarceration resulting directly or indirectly from that conviction.

2104.4 The Board of Appeals and Review shall consider the following in determining whether an applicant is a significant safety risk:

- (a) The nature of the crime for which the applicant was convicted and its relationship to the duties and circumstances of employment as a security officer;
- (b) Information pertaining to the degree of rehabilitation of the applicant since the crime, including, but not limited to, formal work experience or participation in vocational training, educational attainment, and family support;
- (c) The time elapsed since the conviction; and
- (d) Other evidence of personal motivation, including, but not limited to, community volunteer work and character references.

2104.5 For purposes of this section only, release from incarceration shall be computed from the date of judgment of conviction if a person is convicted of a crime and is not sentenced to a term of imprisonment by the court or if a sentence to a term of imprisonment is suspended by the court at the time of sentencing and has not been subsequently revoked.

SOURCE: §3.4 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974), as amended by §2 of the Security Officer Licensing Facilitation of 1977, D.C. Law 2-29, 24 DCR 1451 (August 19, 1977).

2105 APPLICATION FOR LICENSE

2105.1 Application for certification as a security officer shall be made to the Mayor on a form prescribed by the Mayor.

2105.2 Each person applying for certification shall submit to the Mayor, under oath, the information required by this chapter, as well as any other information that the Mayor may require for assistance in determining the applicant's suitability for certification.

2105.3 Each applicant shall submit, as part of the application, the names and addresses of the following:

- (a) All of the applicant's employers during the previous five (5) year period; and
- (b) Three (3) persons, other than employers listed under §2105.3(a), who are not related to the applicant by blood, marriage, or legal decree, to serve as character witnesses for the applicant.

SOURCE: §§2.1 and 2.4 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2106 PHOTOGRAPHS AND FINGERPRINTS

2106.1 Each applicant for certification shall submit with his or her application four (4) recent, identical, full-face photographs of the applicant, one inch by one and one-half inches (1" x 1 1/2") in size, taken no more than three (3) months prior to the date of application.

2106.2 Each applicant for certification shall furnish the Chief of Police with three (3) sets of the applicant's fingerprints.

2106.3 Fingerprints shall be taken by the Chief of Police, shall become part of the certification application, and shall be compared and recorded by the Chief.

2106.4 Each applicant shall be advised in writing at the time fingerprints are taken by the Chief of Police that, if the applicant has been convicted of a felony, that fact will not necessarily disqualify the applicant from certification since eligibility may be considered by the Board of Appeals and Review pursuant to §2105.

SOURCE: §§2.2 and 2.3 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974), as amended by §2 of the Security Officer Licensing Facilitation of 1977, D.C. Law 2-29, 24 DCR 1451 (August 19, 1977).

2107 INVESTIGATION OF APPLICANTS

2107.1 As promptly as possible after an application is submitted, the Chief of Police shall submit fingerprints of the applicant for comparison and record checks to the Federal Bureau of Investigation and to other authorities that the Chief may deem advisable.

2107.2 The Chief of Police may make any other investigation of the applicant that the Chief determines to be relevant.

2107.3 The Chief of Police shall report the results of each investigation to the Mayor and to the employer within one (1) week, excluding weekends and holidays, after the results have been received.

SOURCE: §3.4 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2108 EXAMINATION OF APPLICANTS

2108.1 When a person applies for certification, the Mayor shall supply the applicant with a brief synopsis of relevant statutes and regulations, and a clear statement of the

powers and limitations of a security officer in the District, including a statement of possible penalties (as set forth in §2100) for noncompliance with relevant regulations.

2108.2 Upon satisfactory completion of the investigations and determinations required by this chapter, applicants for certification shall be required to pass an examination given by the Mayor to test their security-related knowledge and their understanding of a security officer's powers, limitations, and duties.

2108.3 The examination fee for the exam required by this section shall be established by the Mayor. The fee is not refundable.

SOURCE: §§2.5 and 3.7 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2109 TEMPORARY CERTIFICATION

2109.1 Persons eighteen (18) years old or older who meet the requirements set forth in §§2103, 2105, and 2106 may be issued a temporary certification card which shall contain on its face an expiration date that is not later than six (6) weeks after the date of issuance.

2109.2 Each temporary certification card shall have inscribed conspicuously across its face the word "TEMPORARY."

2109.3 If certification is neither granted nor denied by the designated expiration date, the applicant shall be entitled to a new temporary certification card.

SOURCE: §2.6 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974), as amended by §2 of the Security Officer Licensing Facilitation of 1977, D.C. Law 2-29, 24 DCR 1451 (August 19, 1977).

2110 ADVERTISEMENTS AND DISPLAYS

2110.1 Any person, firm, or corporation licensed as a private detective agency under chapter 20 of this title that provides security services for a fee or other consideration, and that advertises its business to the public, shall include its license number in each advertisement.

2110.2 No person shall attach to his or her personal motor vehicle any sign, plate, insignia, or other designation identifying the driver or owner as a security officer. This shall not prevent the placement of this type of identification on any car owned, leased, or otherwise used in the business of any agency or employer.

SOURCE: §§4.5 and 4.6 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2111 IDENTIFICATION CARDS AND EMPLOYEE LISTS

2111.1 Upon certification by the Mayor and payment of a five dollar (\$5) fee, each security officer shall receive an identification card containing a photograph of the security officer, the name and business address of the officer's employer, and a statement that the bearer is not a police officer and only has the powers of an ordinary citizen.

- 2111.2 The identification card shall be carried on the person of the security officer whenever he or she is engaged in his or her duties and shall be exhibited upon request to any person with whom the security officer may come in contact in the performance of his or her duties.
- 2117.3 Each security officer shall take due care to prevent his or her identification card from falling into the possession of any unauthorized person.
- 2111.4 If the identification card is lost or destroyed, a duplicate card shall be issued by the Mayor upon payment of a three dollar (\$3) fee.
- 2111.5 Upon termination of the security officer's service, he or she shall return the identification card to the Mayor within forty-eight (48) hours, excluding weekends and holidays.
- 2111.6 If a security officer takes employment with another agency or employer, a new identification card shall be issued upon payment of a one dollar (\$1) fee.
- 2111.7 When the employment of a security officer is terminated, the agency or employer shall report the termination to the Mayor within forty-eight (48) hours, excluding weekends and holidays.
- 2111.8 Each agency or employer shall file a list of all security officers with the Mayor on a quarterly basis. The list shall be kept confidential, except for official use.

SOURCE: §4.1 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2112 UNIFORMS

- 2112.1 Each security officer certified under this title, including each person commissioned as a special police officer under the provisions entitled 'For Metropolitan Police' in An Act Making appropriations to provide for the expenses of government of the District of Columbia for fiscal year ending June 30, 1900, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. §4-114 (1981), shall wear a uniform approved by the Mayor which is distinctly different from the uniform of the Metropolitan Police Department.
- 2112.2 Minimum requirements for the uniform are a white uniform cap or a cap covered with a white cap cover and a uniform outer garment, such as a shirt, blouse, jacket, or overcoat. The outer garment shall have the patches and badges required under §2113 clearly visible at all times.
- 2112.3 White caps or caps covered by white cap covers shall be worn at all times by security officers during the performance of duties involving crowd control at special events.
- 2112.4 Each security officer shall take due care to prevent his or her uniform from falling into the possession of any unauthorized person.

SOURCE: §4.2 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974), as amended by §2 of the Uniform Officers Regulation Amendment Act of 1984, D.C. Law 5-180, 32 DCR 770 (February 8, 1985).

2113 BADGES, PATCHES, AND EMBLEMS

- 2113.1 No security officer shall wear or carry a metal or metallic-appearing badge.
- 2113.2 A distinctive cloth badge worn on a security officer's left breast is permitted if the prior written permission of the Mayor is obtained.
- 2113.3 Notwithstanding the corporate name of the agency, the words "police," "United States," and "District of Columbia," or abbreviations of those words, and the seals or insignias of the United States and the District of Columbia shall not be used on any badge, patch, emblem, or uniform.
- 2113.4 Uniforms bearing emblems and patches that meet the following requirements and restrictions shall be approved by the Mayor and shall be worn by security officers:
- (a) Shoulder shall be red in color, bear the name of the employer or agency, and shall have white, clearly legible lettering;
 - (b) The name of the employing agency or employer shall be spelled out in full on the patches;
 - (c) Initials shall not be allowed, and abbreviations are permissible only with the prior written permission of the Mayor;
 - (d) Patches may bear an agency or employer design insignia which has been approved in writing by the Mayor;
 - (e) Patches shall be of half-moon design;
 - (f) Patches shall be three inches (3") high by five inches (5") wide;
 - (g) A patch shall be worn on each shoulder of a shirt, blouse, jacket, or overcoat; and
 - (h) A patch bearing the words "Security Officer" shall be worn on the right breast. This patch shall be four and one half inches (4 1/2") long and one inch (1") high. This patch shall be red with white lettering.
- 2113.5 An employee may wear an appropriate designation of his or her rank (such as sergeant) on either or both sleeves. Chevrons shall be red in color with white piping. If the employee is of officer rank, he or she may wear the appropriate emblem on the collar or shoulders of the uniform shirt, jacket, or blouse.
- 2113.6 The word "INSPECTOR," or an abbreviation of that word, shall not appear on any badge, patch, emblem, or uniform.
- 2113.7 A non-metal cap ornament that does not have a metallic appearance may be worn. It may carry the rank of the employee and shall bear the name of the agency or employer.
- 2113.8 Any deviation from the requirements of §§2113.4, 2113.5, 2113.6, or 2113.7 shall require the prior written approval of the Mayor.

2113.9 The provisions of §§2113.4, 2113.5, 2113.6, and 2113.7 apply only to security officers. No other uniformed security personnel licensed, commissioned, or certified by the District shall wear badges, patches, or emblems that are red with white lettering, or that are not readily discernible from those badges, patches, and emblems.

2113.10 Each security officer shall take due care to prevent his or her badges, patches, and emblems from falling into the possession of any unauthorized person.

SOURCE: §§4.3(a), 4.3(b), 4.3(c), and 4.4 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2114 LICENSE RENEWAL

2114.1 A security officer shall be required to apply for a renewal certification of his or her license annually.

2114.2 A security officer shall not be required to repeat the examination under §2108 for license renewal.

2114.3 For each license renewal, the Mayor shall update all background checks, especially the investigation of criminal convictions.

2114.4 A security officer may continue to work while awaiting notification of acceptance or denial of renewal certification.

2114.5 When granted, a renewal certification shall be dated as of the expiration date of the previously existing certification.

SOURCE: §3.2 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2115 - 2119 [RESERVED]

2120 DENIAL, SUSPENSION, AND REVOCATION OF CERTIFICATION

2120.1 Certification of a security officer shall be subject to denial, suspension, or revocation for any of the following reasons:

- (a) Material misstatement in the license application;
- (b) Violation of requirements pertaining to identification cards, uniforms, badges, advertising, and displays as set forth in §§2110, 2111, 2112, and 2114;
- (c) Failure or refusal to comply with any statute or regulation governing security officers, or the willful and fraudulent circumvention of any statute or regulation;

- (d) Conviction of a felony while employed as a security officer; Provided, that denial, suspension, or revocation for this reason shall not prevent a person from reapplying for certification;
- (e) Conviction of a misdemeanor involving theft, fraudulent conduct, assault, or false arrest or imprisonment;
- (f) Conviction of any offense arising out of or based on employment as a security officer which involves a breach of trust or an invasion of privacy; or
- (g) Carrying a deadly weapon, handcuffs, or an aerosol chemical dispenser in the course of employment. This does not prohibit the carrying of a night stick constructed solely of wood.

2120.2 Whenever the Mayor proposes to deny, suspend, or revoke a certification under this section, notice shall be given to the applicant or security officer.

2120.3 Each notice issued under §2120.2 shall be in writing and shall be signed by the Mayor.

2120.4 Each notice shall state or contain the following:

- (a) The facts constituting each violation or other basis for the action proposed;
- (b) Where applicable, each statutory provision or regulation violated or not complied with;
- (c) The nature of the adverse action proposed in the matter;
- (d) A statement advising the applicant or security officer that he or she is entitled to a full hearing, if requested, in which the Mayor's action may be reversed; and
- (e) Information about the time and manner in which an appeal must be filed.

SOURCE: §§5.1, 5.2(a), and 5.2(b) of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2121 SERVICE OF NOTICE

2121.1 Each notice issued under §2120 shall be served upon the applicant or security officer in the manner prescribed in this section.

2121.2 Notice shall be deemed to have been served upon the person to whom it is directed when a copy of it has been served by one of the following means:

- (a) Personally delivering a copy to the person named in the notice;
- (b) Leaving a copy at the address stated on the certification or application with a person over sixteen (16) years old who is employed at or is a resident of that address; or
- (c) Mailing a copy by certified mail, postage prepaid, to the address stated on the certification or application, which is not returned undelivered by the postal authorities, except as provided in §2121.3.

- 2121.3 If a notice mailed as authorized by §2121.2(c) is returned by the postal authorities because the addressee refused to accept delivery, it shall be deemed to have been served on the addressee on the date of that refusal.

SOURCE: §5.2(b) of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2122 HEARINGS

- 2122.1 A person on whom notice has been served pursuant to §2120 and §2121 may file a written demand for a hearing with the Board of Appeals and Review.
- 2122.2 If notice was served personally, the demand for hearing shall be filed within twenty (20) calendar days from the date on which the notice was served.
- 2122.3 If the notice was served other than personally the demand for hearing shall be filed within twenty-four (24) calendar days from the date on which it was served (including the date it was mailed, if served in accordance with §2121.2(c)).
- 2122.4 Filing the demand for hearing shall not in itself stay enforcement of the action of the Mayor.
- 2122.5 The Mayor may grant, or the Board of Appeals and Review may order, a stay upon appropriate terms.
- 2122.6 Each applicant or security officer shall be entitled to a hearing within twenty-one (21) days of demand.
- 2122.7 Each hearing shall provide full procedural safeguards to the officer or applicant, including the right to be represented by his or her own legal counsel and the right to confront and cross-examine witnesses.
- 2122.8 A record shall be kept of the proceedings of each hearing.

SOURCE: §5.3 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2123 APPEALS

- 2123.1 If the Board of Appeals and Review upholds the denial, suspension, or revocation of certification, the applicant or security officer may seek review of the order by filing an appeal with the District of Columbia Court of Appeals.
- 2123.2 The appeal shall be filed with the Court of Appeals within the time limit prescribed by court rules.
- 2123.3 Filing of the appeal shall not in itself stay enforcement of the action of the Mayor or the order of the Board of Appeals and Review.
- 2123.4 The Mayor may grant, or the Board of Appeals and Review or the D.C. Court of Appeals may order, a stay upon appropriate terms.

SOURCE: §§5.4 and 5.6 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).

2199 DEFINITIONS

2199.1 The following definitions shall apply to terms used in this chapter:

Certification - the permission that must be granted by the Mayor before a person can lawfully be employed as a security officer in the District of Columbia.

Chief of Police - the Chief of the Metropolitan Police Department of the District of Columbia or his or her designated agent.

Employer - unless the context implies otherwise, a person, firm, corporation, or other private organization providing security officer service exclusively in connection with the affairs of the one business organization that employs them.

Mayor - the Mayor of the District of Columbia or the Mayor's agent or designee.

Private detective agency - a person, firm, or corporation which is licensed as a private detective agency under this chapter to provide security officer services for a fee or other consideration.

SOURCE: §1.1 of the Regulation Establishing Standards for Certification and Employment for Security Officers, Reg. No. 74-31, approved December 1, 1974, 21 DCR 1203 (December 13, 1974).